

JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Cemetery Board
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

DAVID SZUCHMAN
Director

Mailing Address:
P.O. Box 45036
Newark, NJ 07101
(973) 504-6553

July 24, 2009

certified & regular mail

Richard S. Toone, Executive Secretary
Eldridge Cemetery
18 Tower Drive
Columbus, New Jersey 08022

Re: Offer of Settlement in Lieu of Filing a Formal Complaint

Dear Mr. Toone:

This letter is to advise you that the New Jersey Cemetery Board (hereinafter "the Board") has had an opportunity to review information concerning Eldridge Cemetery (the "Cemetery"); more specifically, that the Cemetery has been operating as a non-church affiliated cemetery with no restrictions as to who can be buried in the cemetery since the late 1700's. Be advised that effective September 10, 1973, the effective date of N.J.S.A. 8A:1-1 et seq., the New Jersey Cemetery Act, a cemetery company engaged in the operation of a cemetery was required to apply to the New Jersey Cemetery Board for a certificate of authority and pay a filing fee within 90 days of the effective date of the Cemetery Act. **Since no application was received, you must immediately cease and desist from continuing to operate as a cemetery company.**

Upon review of your letter of February 2, 2009 along with additional documentation provided by you, the Board has preliminarily found that probable cause exists to support a finding that Eldridge Cemetery is in violation of the New Jersey Cemetery Act, 2003, more specifically, N.J.S.A. 45:27-7, the successor statute to N.J.S.A. 8A:1-1 et seq. for not having applied to the Board for a Certificate of Authority to operate as a "cemetery company" under the jurisdiction of this Board prior to allowing any burials to take place or to selling and/or transferring lots for burial purposes.

At this juncture, the Board has preliminarily concluded that the above is sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal proceedings, should the cemetery consent to:

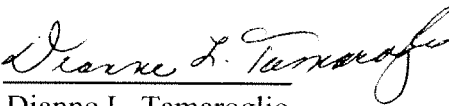
1. Cease and desist from any future burials and/or grave sales until Eldridge Cemetery obtains a Certificate of Authority issued by the New Jersey Cemetery Board to operate as a cemetery company; and
2. File a completed application for a Certificate of Authority with the Board within 30 days of the date of this letter along with the payment of the appropriate fee. (An application has been enclosed.)

If the Cemetery is willing to settle this matter on the offered settlement terms, it may do so by having you or its duly authorized representative sign the acknowledgment at the bottom of this letter, and return it to the Board office. Upon signing, this letter will be a matter of public record. If you require additional time in order to submit the completed application, please submit your request in writing to the Board along with the reasons therefore. The cease and desist will remain in effect until your completed application is received and approved by the Board.

In the event the Cemetery is unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, the Cemetery will be afforded an opportunity to defend itself against the alleged violation. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have the Cemetery's attorney contact Deputy Attorney General Ginger R. Provost who may be reached at (973) 648-4447.

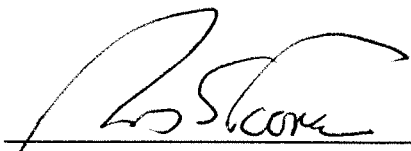
If the Cemetery elects to settle this matter now, you should sign the acknowledgment at the bottom of this letter and return it to the Board within thirty (30) days from the date of this letter. In the event that the Board receives no response from the Cemetery within thirty (30) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY CEMETERY BOARD

By: 
Dianne L. Tamaroglio
Executive Director

ACKNOWLEDGMENT: I, Richard S. Toone, am duly authorized to enter into this agreement on behalf of Eldridge Cemetery and hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. On behalf of the Cemetery, I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, the Cemetery is waiving any rights it may have to defend itself against any charges of wrongdoing. I am also aware that the action taken against the Cemetery by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with all requirements set forth in the settlement letter.

Dated: 8-5-2009



Richard S. Toone, Executive Secretary
Eldridge Cemetery

cc: Ginger R. Provost, Deputy Attorney General

7006 3450 0003 7202 4234

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To <i>Richard Toone</i> Street, Apt. No., or PO Box No. <i>Eldredg Cemetery</i> City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	COMPLETE THIS SECTION ON DELIVERY A. Signature <i>Regina G. Toome</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>REGINA G. TOOME</i> C. Date of Delivery <i>07-27-09</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No <i>JUL 29 2009</i>
1. Article Addressed to: <i>Richard Toone, Executive Director</i> <i>Eldredg Cemetery</i> <i>18 Tallow Drive</i> <i>Cumulus NJ 08022</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7006 3450 0003 7202 4234	